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**Written Testimony to the Judiciary Committee
SB 1133 Public Hearing
March 3, 2023 at 11:00 a.m**

My name is Barbara Ruhe. I am an attorney in private practice with offices at 915 Silas Deane Highway, Wethersfield. I have been practicing law for 46 years primarily in the Family and Juvenile courts. I am probably one of the most senior private lawyers in the state who has remained connected to the Juvenile Court in a significant way. I have extensive trial experience in child abuse/neglect cases and in termination of parental rights cases representing children, parents, grandparents and foster parents. I currently have a contract with the Public Defender's Office handling child protection cases in the Juvenile Court in Rockville. I deal with child abuse and neglect matters on a daily basis.

I am in support of SB-1133.

I think it is important for there to be statutory language that articulates what is **NOT** neglect, because the statutory definition of neglect, in part, is vague and over broad.

Below is the statute I am referring to. I have italicized the troublesome portion of the statute:

CGS46b-120(4) is as follows: (4) A child may be found "neglected" who, for reasons other than being impoverished, (A) has been abandoned, *(B) is being denied proper care and attention, physically, educationally, emotionally or morally, or (C) is being permitted to live under conditions, circumstances or associations injurious to the well-being of the child;*

Subsections B and C are especially problematic in light of DCF's Operational Definitions of Abuse and Neglect found in DCF Policy 22-3.

An excerpt of the policy definitions that are relevant to the discuss of this bill is as follows (precise language from the policy is in italic):

Evidence of physical neglect includes, but is not limited to:
permitting the child to live under conditions, circumstances or associations injurious to his well-being including, but not limited to, the following:

*inadequate supervision:
creating or allowing a circumstance in which a child is alone for an excessive period of time given the child's age and cognitive abilities
holding the child responsible for the care of siblings or others beyond the child's ability*

failure to provide reasonable and proper supervision of a child given the child's age and cognitive abilities.

The policy language is vague, over broad and subjective. SB-1133 provides language that gives parents a protected ability to determine their child's engagement in independent activities within their community.

It is important when one is looking to amend statutes one must be careful to see how a proposed statutory change might have an effect another statute. SB-1133 has carefully addressed how the proposed change to CGS Section 45b-120 should also lead to a change in CGS Section 53-21. CGS Section 53-21 is the criminal statute that defines "risk of injury" to minors under the age of 16. Given how broad the language of this statute is it is important for it to work in concert with the proposed change to CGS Section 46b-120.

It is understandable that neither statute nor policy can articulate precisely all potential acts or evidence of neglect of a child. I do, however, believe it seems both reasonable and logical to clearly state that a parent can make a determination that a child is permitted to engage in independent activities in their community and that the parent can do so with the knowledge that they are not putting themselves at risk of being charged with neglect by DCF and/or being arrested.

I believe that these proposed statutory changes do not in any way impede DCF from protecting children or the police from acting to appropriately implement their duties.

I urge the Committee to approve and pass SB-1133.